



September 24, 1982

Mr. Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division
U.S. EPA Region VII
324 East Eleventh Street
Kansas City, MO 64106

AAM 82-182
KKH 82-324

RE: MOD096714829, Safety-Kleen Corp.,
Brentwood, Missouri

Dear Mr. Morby:

With reference to your letter of August 18, 1982 concerning Safety-Kleen's facilities in Missouri, please consider this letter as an amendment to the subject facility's notification of Hazardous Waste Activity.

To answer the questions outlined in your letter, the following responds to the questions in their numerical sequence:

1. Activities and operation at the subject facility are as described in U.S. EPA's letter of July 21, 1981 (copy attached).
2. Missouri considers our facilities to be generator locations; therefore, generator status will be retained.
3. It is realized that recycler regulations presently being developed by U.S. EPA may impact our operations in the future.
4. Missouri considers our facilities to be generator locations only.

At the time the Part A application was submitted to U.S. EPA, it was uncertain if the RCRA regulations applied to our facilities. To assure compliance, applications were completed and submitted to the agency.

Attached please find a copy of a letter dated July 21, 1981 from Mr. John P. Lehman, Director, Hazardous and Industrial Waste Division, U.S. EPA. The letter was drafted in response to our "Petition for Clarification or Modification of Regulation." Based on U.S. EPA's interpretation of the RCRA Regulations, our "Closed Loop" recycling operations are presently not subject to regulation [40 CFR 261.6 Subpart (a)].



R00069368
RCRA Records Center

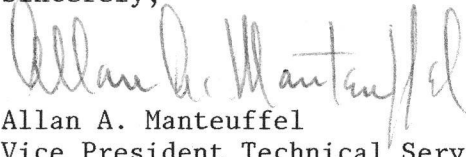
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Based on the July 21, 1981 letter from U.S. EPA, the subject facility is not presently, nor has the facility ever been used for the treatment, storage or disposal of regulated hazardous waste.

In consideration of the foregoing, application for Hazardous Waste Permit for the subject facility is hereby withdrawn and the Notification of Hazardous Waste Activity amended to delete treatment, storage and disposal. It is understood that should the facility become subject to the Federal Hazardous Waste Regulations, necessary notifications and compliance activities will be required.

If you have any questions or require additional information, please contact Mr. Kevin Hersey, Manager Environmental Engineering.

Sincerely,

A handwritten signature in cursive script, reading "Allan A. Manteuffel".

Allan A. Manteuffel
Vice President Technical Services

AAM/mt
Attachment

cc: Branch Manager 5-160-02



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF SOLID WASTE

JUL 21 1981

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Mr. Theodore H. Mueller
Safety-Kleen Corporation
655 Big Timber Road
Elgin, Illinois 60120

Dear Mr. Mueller:

This letter responds to the concerns raised in Safety-Kleen's "Petition for Clarification or Modification of Regulation," which you submitted to the Environmental Protection Agency on April 6, 1981.

According to the facts stated in the petition and at the May 27 meeting, Safety-Kleen distributes two types of small parts cleaning solvents to its customers. The solvents are a mineral spirits solvent and a chlorinated, water-phase solvent containing approximately 14% cresylic acid, 29% methylene chloride, 29% o-dichlorobenzene, and 28% water with a surfactant. The solvents are distributed through a closed-loop system in which solvent from the company's reprocessing facilities is delivered in company-owned trucks to regional service centers where it is stored for subsequent delivery to the company's customers. This solvent is then delivered under a lease arrangement to the customer in cleaning equipment supplied by Safety-Kleen or other companies. Delivery is performed by Safety-Kleen service representatives. The representatives replace drums of spent solvent with drums of clean solvent and return the spent solvent to the service centers. The mineral spirits solvent is usually transferred to bulk storage tanks; the chlorinated solvent remains in drums, which are generally kept in storage sheds. The spent solvent is then transported to the reprocessing facilities for recycling.

The petition submitted by Safety-Kleen requests EPA to issue a statement clarifying the meaning of the term "solid waste" in 40 CFR §261.2. The petition stated that the definition of "solid waste" in the Resource Conservation and Recovery Act was not intended to include materials recycled in a closed-loop system of the sort used by Safety-Kleen

because the materials in such a system are never discarded. Clarification was requested because Safety-Kleen believes that EPA's definition of "solid waste" can be interpreted as including some materials that are not discarded in a given industrial operation but that are discarded in others. Alternatively, Safety-Kleen requested that the regulation defining solid waste be modified to include only materials that are in fact discarded in the industrial operation in which they are created.

We have decided that the agency need not act on Safety-Kleen's petition at this time. Based on the facts contained in the petition, and additional information presented at the meeting, we have determined that neither of the solvents distributed by Safety-Kleen is presently listed as hazardous waste in 40 CFR §261, Subpart D. At the May 27 meeting, we pointed out that the spent mineral spirits solvent is not a listed waste, but sought further information on the chlorinated solvent distributed by Safety-Kleen. We recently advised you, and hereby confirm, that the spent chlorinated solvent is also not a listed waste. Although the solvent contains materials that are contained in wastes listed in 40 CFR 261.31, it is our interpretation that the regulations are intended to apply to spent solvents identifiable as any technical grades of the chemical that is produced or marketed and not to mixtures otherwise containing the chemical. Safety-Kleen's chlorinated solvent is a mixture of cresylic acid, methylene chloride, o-dichlorobenzene and water. The company's spent solvent thus does not constitute a waste listed in Subpart D of Part 261 and is not considered a listed waste.

Thus, Safety-Kleen's spent solvents would only be hazardous because they exhibit any of the four characteristics identified in 40 CFR §261, Subpart C. Because non-listed hazardous wastes are not subject to regulation at this time if they are being beneficially recycled or stored for that purpose, (see 40 CFR §261.6(a)), the regulations already provide the relief sought in your petition. Thus, we plan no further actions on your request. Please contact Matt Straus of my staff if you have any further questions. Mr. Straus can be reached at (202) 755-9187.

Very truly yours,



John P. Lehman
Director

Hazardous & Industrial Waste Division (WH-565)